

**REMARKS**

Claims 6, 41 and 44 are currently amended. Claims 2 to 5, 7 to 21, 23 to 34, 36 to 40, 42 and 43 remain unchanged.

No new matter has been added through the amendments.

**Claim rejections under 35 U.S.C. § 103(a)****In view of Banyai (U.S. 2001/0034262 A1)**

The Applicant remains with the same comprehension of Banyai as provided in the Response to Office Action filed February 25, 2008. The Applicant continues believing that Banyai does not teach nor suggest the method and system defined through claim 41 and 44 of the present application.

In reference to claim 41, the Office Action states, on page 3, that "Banyai teaches maintaining said current draw result in its current form as "continue randomly drawing designations from such set until the player's assigned first plurality of designations match designations drawn in steps c and e" [0010]."

Claim 41 now specifically recites that "if said game ending state is not achieved" or, according to Banyai, if not match occurs between the player's set of designations and the drawn designations, "maintaining said current draw result in its current form, thereby having said current draw result remaining composed of a constant amount of said numbers", which is different from and opposite to the teaching of Banyai. As stated above, Banyai teaches to continue to draw designations when no match occurs. Changing the number of designations by continuing randomly drawing designations when no match occurs is, by definition, opposite to having a constant amount of numbers (constant number of designations) as in claim 41.

Accordingly, in view of the above arguments, the Applicant respectfully requests the rejection of claim 41 to be withdrawn.

In reference to claim 44, the Office Action, on page 4 and page 5, states that "[f]irst plurality of designations in the gaming art could be interpreted in different ways, such as drawing different numbers, whether that is balls or playing cards. Banyai teaches maintaining said current draw result in its current form as "continue randomly drawing designations from such set until the player's assigned first plurality of designations match designations drawn in steps c and e" [0010]."

Claim 44 recites "draw generation means for generating a current draw result, said current draw result unchanging over said participation game thereby remaining composed of a constant amount of numbers until determination of said winning player".

First, the terms "draw result" can be understood in view of Banyai as one thing: a set of drawn designations that is used to perform a comparison against a player's set of designations to determine an outcome. Second, when Banyai teaches to "continue randomly drawing designations from such set until the player's assigned first plurality of designations match designations drawn in steps c and e"; i.e., drawing designations until a match occurs, it means changing the number of designations that composes the draw result. According to the Applicant, the teaching of Banyai can be understood by a reader according to two perspectives: a) that the drawing ends for all players when the match occurs for one player, thereby if no match occurs the number of designations of the draw result continuously increases until the draw limit; and b) that one player having a match does not limit other players, or in other words, the number of drawn designations increases regardless of the occurrence of a match for a specific player, since the other players still need new drawn designations as long as no match occurs for them or the draw limit is not reached. Both perspectives are opposed to the scope of the system of claim 44. According to perspective a), the draw result does not remain composed of a constant number of designations: a first number of designations is set for a first comparison of the drawn designations to the players' set of designations. Afterwards, if no player has a match, the number of drawn designations increases. According to perspective b), the number of

designations increases as long as not all players have a match. Thus, according to both perspectives, the amount of numbers, or in other words the number of designations, is not constant.

Accordingly, in view of the above arguments, the Applicant respectfully requests the rejection of claim 44 to be withdrawn.

The Applicant submits that all other claims rejected or otherwise allowable herein not discussed, are dependent upon claims deemed allowable by the Applicant and thus should also be found allowable.

It is therefore submitted that the whole set of claims herein provided is in condition for allowance. Reconsideration of the Office Action's rejections is respectfully requested. Allowance of claims 2 to 21, 23 to 34, and 36 to 44 at an early date is solicited.

In the event that there are any questions concerning this Response to an Office Action or the application in general, the Examiner is respectfully urged to telephone the undersigned so that prosecution of this application may be expedited.

Respectfully submitted,

Gérald Duhamel

By:

/C. Marc Benoît/  
C. Marc Benoit  
(Reg. 50,200)  
Agent of Record  
Benoit & Co.  
Tel: (450) 646-9997